RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting
February 22, 2007

The thirty-first meeting of the RSAC was convened at 9:35 a.m., in the Auditorium of the National Housing Center of the National Association of Home Builders, 1201 15th Street, N.W., Washington, D.C. 20005, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Deputy Associate Administrator for Safety Standards and Program Development, Grady C. Cothen, Jr.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each daily meeting are part of the permanent RSAC Docket. The records, reports, transcripts, minutes, and other documents that are made available to, or prepared for or by, the Committee are available for public inspection at the U. S. Department of Transportation docket management system Internet Web Site (http://dms.dot.gov).

For the February 22, 2007, meeting, ten of the fifty-four voting RSAC members were absent: The American Association of Private Railroad Car Owners (1 seat), The American Association of State Highway & Transportation Officials (1 seat), The American Petroleum Institute (1 seat), The Association of Railway Museums (1 seat), The Brotherhood of Locomotive Engineers and Trainmen (BLET) (1 of 3 seats), The Brotherhood of Railroad Signalmen (1 of 2 seats), The International Association of Machinists and Aerospace Workers (1 seat), Safe Travel America (1 seat), Tourist Railway Association, Incorporated (1 seat), and The Transport Workers Union of America (TWU) (1 of 2 seats). Four of seven non-voting/advisory RSAC members were absent: The Labor Council for Latin American Advancement, The League of Railway Industry Women, Secretaria de Communicationes y Transporte (Mexico), and Transport Canada. Total meeting attendance, including presenters and support staff, was approximately 80.

Chairperson Cothen welcomes RSAC Members and attendees. He asks Patricia Butera (FRA–Office of Safety) for a meeting room safety briefing.

Patricia Butera (FRA) identifies the hotel meeting room's fire and emergency exits. She asks for volunteers with cardiopulmonary resuscitation (CPR) qualification to identify themselves. A large number of attendees acknowledge having completed this training and volunteer to perform CPR. Ms. Butera observes that many attendees have cellular telephones. She volunteers Robert Chipkevich (NTSB) to call the emergency telephone number, 911, should an emergency occur. The National Housing Center has an automated external defibrillator (AED), located at the Security Desk in the atrium lobby.

Chairperson Cothen asks FRA Administrator Joseph Boardman for opening remarks.

Joseph Boardman (FRA) welcomes RSAC attendees. He is happy to be able to attend today's meeting. He begins with a "Husband and Wife Story." After 33 years of marriage, a husband and wife met with a counselor, who after listening to the wife tell everything that was wrong with her marriage, proceeded to walk over to the wife, embrace, and kiss her. The wife, speechless, sat down and did not say anything further. The counselor looked at the husband and said the wife needed to be hugged and kissed three times a week, i.e., Mondays, Wednesdays, and Fridays. The husband replied that he would be willing to drop his wife off at the counselor's office on Mondays and Wednesdays, but on Fridays, he goes fishing.

Administrator Boardman says he did not know how important RSAC was when he first came onboard FRA almost two years ago. Now, he believes, RSAC is one of the most important things that FRA does. He describes the content and process for FRA's Safety Reauthorization Bill, and the difficulty in getting this measure through the U.S. Congress. FRA's Safety Reauthorization Bill contains proposals in three areas: (1) a Risk Reduction Program, which would directly engage railroads in hazard analysis and safety culture for the future. Such analyses entail review of precursor data, and safety planning to incrementally reduce risk across a broad front; (2) the most difficult area–regulatory authority over the Hours of Service Act. He says the current Act, is over 100 years old. He understands the perspective of both labor and management on this issue. He knows that many would like things to remain as they are. He envisions that RSAC will be asked to assist with this process, for thoughtful consideration of how to help employees optimize their alertness and effectiveness; and (3) make updating the National Crossing Inventory mandatory. This would be a responsibility shared by railroads and the States. He says railroads, which FRA can already require to provide data, should not shoulder a more disproportionate burden to maintain the highway-rail grade crossing inventory than States do.

Administrator Boardman reviews the current activities of RSAC Working Groups (WG). For the Continuous Welded Rail (CWR) WG, he was pleased to issue a final rule on rail joint integrity in October 2006. He notes that the National Transportation Safety Board (NTSB) will make a presentation at today's meeting that includes NTSB Recommendations on track issues. He says FRA will present a new Task to the full RSAC at today's meeting to extend the work of the CWR WG to help deal with the NTSB Recommendations for track issues.

For the Roadway Worker Protection (RWP) WG, Administrator Boardman says the WG hopes to meet for the last time in Philadelphia, Pennsylvania, February 27, 2007,- March 1, 2007, to finalize proposals that will fine tune existing regulations for roadway worker protection.

For the Locomotive Safety Standards (LSS) WG, Administrator Boardman says there has been an early success in dealing with the locomotive sanders issue, e.g., a Notice

of Proposed Rulemaking (NPRM) is nearly complete in this area. He adds that the WG is now addressing additional areas involving locomotive safety concerns.

For the Railroad Operating Rules (ROR) WG, Administrator Boardman says the WG will meet one more time to review comments to an NPRM in this area. He says that ROR is an example of the way RSAC adds value even when the WG cannot agree on many things. He says FRA will take what it has learned from any remaining non-consensus items and make the necessary decisions for resolving the complex issues that are critically important for safety.

For the Passenger Safety (PS) WG, Administrator Boardman says FRA will publish a proposed rule before the next full RSAC meeting that deals with cab car end strength standards. He is pleased that the new General Passenger Safety Task Force is up and running and will deal, initially, with passenger train station platform gap issues.

For the Medical Standards (MS) WG, the newest RSAC WG, Administrator Boardman says the WG is off to a good start.

In other developments, Administrator Boardman says FRA had to postpone the Private Crossing Conference, scheduled to be held in Syracuse, New York, due to severe winter weather. FRA will try to reschedule the meeting for April 2007. In addition, FRA is completing a proposed rule on electronically controlled pneumatic (ECP) brakes.

Finally, Administrator Boardman says the conversations that RSAC members have with each other in this and other public forums are important. He knows that national bargaining and forthcoming legislative battles will not make this process easy. But, he asks that RSAC members listen to one another, while keeping in mind that building safety culture cannot be undertaken in isolation from everything else that is done. In reference to his earlier "Husband and Wife Story," he asks that RSAC members not go "fishing" on Fridays. He notes that railroads need to make money, observing that every time the cost of fuel rises, the cheapest way to move freight will be by rail, and where possible by water. It will not be by truck. He hopes that the rail industry will be ready to compete in this process.

Chairperson Cothen thanks Administrator Boardman for opening remarks. He asks Robert Chipkevich for a presentation on National Transportation Safety Board (NTSB) Recommendations to FRA.

Robert Chipkevich (NTSB) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "Open Safety Recommendations–FRA," Mr. Chipkevich outlines the NTSB Recommendations to FRA in the following areas: (1) positive train control; (2) track safety; (3) fatigue; (4) operations; (5) drugs, alcohol, and medical conditions;

(6) crashworthiness and passenger safety; (7) tank cars; (8) grade crossings; (9) passenger and crew accountability system; and (10) train crew safety.

Under the viewgraph, "Positive Train Control," Mr. Chipkevich reminds FRA that positive train control is on the NTSB's "Ten Most Wanted List," for all transportation modes. He reads the single NTSB Recommendation, R-01-6, as follows: Facilitate actions necessary for development and implementation of positive train control systems that include collision avoidance, and require implementation of Positive Train Control systems on main line tracks, establishing priority requirements for high-risk corridors such as those where commuter and intercity passenger railroads operate.

Under the viewgraph, "Track Safety," Mr. Chipkevich reads the following nine NTSB Recommendations: (1) R-02-5, Require railroads to conduct ultrasonic or other appropriate inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects; (2) R-04-1, Require all railroads with continuous welded rail track to include procedures (in the programs that are filed with FRA) that prescribe on-the-ground visual inspections and nondestructive testing techniques for identifying cracks in rail joint bars before they grow; (3) R-04-2, Establish a program to periodically review continuous welded rail joint bar inspection data from railroads and FRA track inspectors and, when determined necessary, require railroads to increase the frequency or improve the methods of inspection of joint bars; (4) R-04-3, Instruct FRA track inspectors to obtain copies of the most recent continuous welded rail programs of the railroads that fall within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; (5) R-05-1, Require in 49 CFR [Code of Federal Regulations] Part 213, Track Safety Standards, that rail cracks originating from bond wire attachments be identified as rail defects and that information be collected on the methods and locations of those attachments; (6) R-04-2, Require in 49 CFR Part 225, Guide for Preparing Accident/Incident Reports, that derailments caused by rail cracks originating from bond wire attachments be reported with a specific cause code and that information on the methods and locations of those attachments be provided in the accident narrative; (7) R-05-5, Emphasize to your track inspectors the importance of enforcing a railroad's continuous welded rail program as part of the Federal Track Safety Standards, and verify that inspectors are documenting noncompliance with the railroad's program; (8) R-06-7, Require railroads to implement for all power-assisted switch machines, regardless of location, a formal commissioning procedure and a formal maintenance program that includes records of inspectors, tests, maintenance, and repairs; and (9) R-06-19, Extend to all classes of track safety standards for concrete crossties that address at a minimum the following: limits for rail seat abrasion, concrete crosstie pad wear limits, missing or broken rail fastener configurations, and excessive lateral rail movement.

Under the viewgraph, "Fatigue," Mr. Chipkevich the following two NTSB Recommendations: (1) R-06-14, Require railroads to use scientifically based principles when assigning work schedules for train crewmembers, which consider factors that

impact sleep needs, to reduce the effects of fatigue; and (2) R-06-15, Establish requirements that limit train crewmember limbo time to address fatigue.

Under the viewgraph, “Operations,” Mr. Chipkevich reads the following seven NTSB Recommendations: (1) R-03-1, Promulgate new or amended regulations that will control the use of cellular telephones and similar wireless communication devices by railroad operating employees while on duty so that such use does not affect operational safety; (2) R-05-9, Develop guidelines for locomotive engineer simulator training programs that go beyond developing basic skills and teach strategies for effectively managing multiple concurrent tasks and atypical situations; (3) R-05-10, Require train crews to call out all signal indicators over the radio, including clear signals at all locations that are not equipped with automatic cab signals with enforcement or a positive train control system; (4) R-05-14, Require that along main lines in non-signaled territory, railroads install an automatically activated device, independent of the switch banner that will visually or electrically, compellingly capture the attention of employees involved with switch operations and clearly convey the status of the switch both in daylight and in darkness; (5) R-05-15, Require railroads, in non-signaled territory and in the absence of switch position indicator lights or other automated systems that provide train crews with advance notice of switch positions, to operate those trains at speeds that will allow them to be safely stopped in advance of misaligned switches; (6) R-05-16, Require railroads to implement operating measures, such as positioning tank cars toward the rear of trains and reducing speeds through populated areas, to minimize impact forces from accidents and reduce the vulnerability of tank cars transporting chlorine, anhydrous ammonia, and other liquefied gasses designated as poisonous by inhalation; (7) R-06-10, Prohibit the use of after-arrival track warrants for train movements in dark (non-signaled) territory not equipped with a positive train control system.

Under the viewgraph, “Drugs, Alcohol, and Medical Conditions,” Mr. Chipkevich reads the following eight NTSB Recommendations: (1) R-00-1, Establish, with assistance from experts on the effects of pharmacological agents on human performance and alertness, procedures or criteria by which train operating crewmembers who medically require substances not on the U.S. DOT list of approved medications may be allowed, when appropriate, to use those medications when performing their duties; (2) R-00-2, Develop, then periodically publish, an easy-to-understand source of information for train operating crewmembers on the hazards of using specific medications when performing their duties; (3) R-00-3, Establish and implement an educational program targeting train operating crewmembers that, at a minimum, ensures that all crewmembers are aware of the source of information described in R-00-2 regarding the hazards of using specific medications when performing their duties; (4) R-00-4, Establish, in coordination with DOT [U.S. Department of Transportation], FMCSA [Federal Motor Carrier Safety Administration], FTA [Federal Transit Administration], and Coast Guard, comprehensive toxicological testing requirements for an appropriate sample of fatal highway, railroad, transit, and marine accidents to ensure the identification of the role played by common prescription and

over-the-counter medications. Review and analyze the results of such testing at intervals not to exceed every 5 years; (5) R-01-17, Modify 49 CFR [§] 219.201(b) as necessary to ensure that the exemption from mandatory post accident drug and alcohol testing for those involved in highway-rail grade crossing accidents does not apply to any railroad signal, maintenance, and other employees whose actions at or near a grade crossing involved in an accident may have contributed to the occurrence or severity of the accident; (6) R-02-24, Develop a standard medical examination form that includes questions regarding sleep problems and require that the form be used, pursuant to 49 CFR Part 240, to determine the medical fitness of locomotive engineers: the form should also be available for use to determine the medical fitness of other employees in safety-sensitive positions; (7) R-02-25, Require that any medical condition that could incapacitate, or seriously impair the performance of, an employee in a safety-sensitive position be reported to the railroad in a timely manner; and (8) R-02-26, Require that, when a railroad becomes aware that an employee in a safety sensitive position has a potentially incapacitating or performance-impairing medical condition, the railroad prohibit that employee from performing any safety-sensitive duties until the railroad's designated physician determines that the employee can continue to work safely in a safety-sensitive position.

Under the viewgraph, "Crashworthiness and Passenger Safety," Mr. Chipkevich reads the following eight NTSB Recommendations: (1) R-97-15, Require all passenger cars to have either removable windows, kick panels, or other suitable means for emergency exiting through the interior and exterior passageway doors where the door could impede passengers exiting in an emergency and take appropriate emergency measures to ensure corrective action until these measures are incorporated into minimum passenger car safety standards; (2) R-97-17, Require all passenger cars to contain reliable emergency lighting fixtures that are each fitted with a self-contained independent power source and incorporate the requirements into minimum passenger car safety standards; (3) R-98-56, Include in the passenger car safety standards a requirement for positive seat securement systems to provide against the disengagement and undesired rotation of seats in all new passenger cars purchased after January 1, 2000, and require the incorporation of such a system into existing passenger cars when they are scheduled for overhaul; (4) R-03-21, Revise the language of 49 CFR 238.113(a)(1) to reflect that appropriate exterior instructional signage describing the emergency removal procedure be required at emergency windows on all levels of a multiple-level passenger railcar; (5) R-06-24, Immediately require all rail passenger car seat backs be secured to the seat assembly; (6) R-06-25, Revise the language in 49 CFR [§] 238.233 to define seat to include all seat components of the seat assembly, such as seat cushions and seat backs, that could become dislodged when subjected to accelerations specified in that section; (7) R-06-26, Require all rail passenger car seat assemblies to be dynamically tested to withstand the accelerations specified in 49 CFR 238.233, and require both upward and downward vertical acceleration tests; and (8) R-06-27, Establish crashworthiness standards for passenger car body floor structure systems.

Under the viewgraph, “Tank Cars,” Mr. Chipkevich reads the following seven NTSB Recommendations: (1) R-89-48, Assist and cooperate with RSPA [DOT’s Research and Special Programs Administration] in amending 49 CFR Part 179 to require that closure fittings on hazardous materials rail tanks be designated to maintain their integrity in accidents that are typically survivable by the rail tank; (2) R-92-22, Develop and promulgate, with RSPA, requirements for the periodic testing and inspection of rail tank cars that help to ensure the detection of cracks before they propagate to critical length by establishing inspection intervals that are based on the defect size detectable by the inspection method used, the stress level, and the crack propagation characteristics of the structural component (requirements based on a damage-tolerance approach); (3) R-01-2, Evaluate, with the assistance of RSPA, AAR [Association of American Railroads], and RPI [Railway Progress Institute (now, Railway Supply Institute)], the deterioration of pressure relief devices through normal service and then develop inspection criteria to ensure that the pressure relief devices remain functioning between regular inspection intervals. Incorporate these inspection criteria into the U.S. DOT hazardous materials regulations; (4) R-04-4, Conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989. At a minimum, the safety analysis should include the results of dynamic fracture toughness tests and/or the results of nondestructive testing techniques that provide information on material ductility and fracture toughness. The data should come from samples of steel from the tank shells from the original manufacturing or from a statistically representative sampling of the shells of the pre-1989 pressure tank car fleet; (5) R-04-5, Based on the results of FRA’s comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989, as addressed in R-04-4, establish a program to rank those cars according to their risk of catastrophic fracture and separation and implement measures to eliminate or mitigate this risk. This ranking should take into consideration operating temperatures, pressures, and maximum train speeds; (6) R-04-6, Validate the predictive model the FRA is developing to quantify the maximum dynamic forces acting on railroad tank cars under accident conditions; and (7) R-04-7, Develop and implement tank car design-specific fracture toughness standards, such as minimum average Charpy value, for steels and other materials of construction for pressure tank cars used for the transportation of DOT class 2 hazardous materials, including those in “low temperature” service. The performance criteria must apply to the material orientation with the minimum impact resistance and take into account the entire range of operating temperatures of the tank car.

Under the viewgraph, “Grade Crossings,” Mr. Chipkevich reads the following single NTSB Recommendation: (1) R-02-1, For all railroads that install new or upgraded grade crossing warning systems that include crossing gates and that are equipped with event recorders, require that the information captured by those event recorders include the position of the deployed gates.

Under the viewgraph, “Passenger and Crew Accountability System,” Mr. Chipkevich reads the following single NTSB Recommendation: (1) R-03-12, In cooperation with

TSA [Transportation Security Administration–U.S. Department of Homeland Security] develop and implement an accurate passenger and crew accountability system for all long-distance, overnight, and reserved passenger trains that will immediately provide an accurate count and identity of the people on board the train in case of emergency at any time during the trip.

Under the viewgraph, "Train Crew Safety," Mr. Chipkevich reads the following single NTSB Recommendation: (1) R-05-17, Determine the most effective methods of providing emergency escape breathing apparatus for all crewmembers on freight trains carrying hazardous materials that would pose an inhalation hazard in the event of unintentional release, and then require railroads to provide these breathing apparatus to their crewmembers along with appropriate training.

Robert Chipkevich (NTSB) asks for questions.

Bob VanderClute (Association of American Railroads (AAR)) asks if the open NTSB Recommendations are just the open recommendations for FRA?

Mr. Chipkevich replies, "Yes. These are for FRA. There are other NTSB Recommendations for individual railroads." He notes that the NTSB is a non-voting RSAC Member. However, the NTSB provides technical support to many RSAC WG meetings.

Chairperson Cothen says a modest Task statement will be offered to the full RSAC today, which, if accepted, could help FRA address some of the open NTSB Recommendations for Track issues. He notes that the Passenger Safety WG is also working on many of the open NTSB Recommendations in the crashworthiness and passenger safety area. He says there is a lot on FRA's plate.

Chairperson Cothen announces a morning break.

M O R N I N G B R E A K 10:40 A.M. - 11:00 A.M.

Chairperson Cothen reconvenes the meeting. He recognizes Kelly Anne Gallagher, representing the American Public Transportation Association (APTA) and Lisa Pena, who replaces Jamie Clarkson as the representative from the Transportation Security Administration (TSA). He asks Lisa Pena for a presentation on the TSA Rail Security NPRM.

Lisa Pena (TSA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. Also distributed was a copy of Appendix A–High Threat Urban Areas (HTUAs) for fiscal year 2006. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the

viewgraph, “Summary,” Ms. Pena says she will cover the following topics: (1) security sensitive hazardous materials; (2) high threat urban areas; (3) industry agreement to reduce risk; (4) applicability; (5) reasons for TSA’s Rail Security Regulation; (6) proposed requirements; (7) TSA NPRM Summary; and (8) economic impact.

Under the viewgraph, “Security Sensitive Hazardous Materials, “ Ms. Pena outlines the following: (1) Poisonous Inhalation Hazard (PIH) or Toxic Inhalation Hazard (TIH) represent the majority of security sensitive materials. There are approximately 110,000 shipments of PIH by rail each year with chlorine and anhydrous ammonia representing about 78 percent of the PIH bulk rail shipments each year. The threat is from a massive uncontrolled release of toxic gas that would affect large numbers of people; (2) Explosives (Class 1.1, 1.2, and 1.3)–relatively low number of shipments by rail. There is the potential to be used as a weapon of mass destruction and the potential for theft and use in future attacks; and (3) Radioactive Materials (HRCQ [highway-route-controlled quantity shipments of radioactive materials])–when coupled with explosives, present a contamination risk (e.g., a “dirty” bomb).

[Note: A “dirty bomb” is one type of a “radiological dispersal device” (RDD) that combines a conventional explosive, such as dynamite, with radioactive material. The terms dirty bomb and RDD are often used interchangeably in the media. Most RDDs would not release enough radiation to kill people or cause severe illness–the conventional explosive itself would be more harmful to individuals than the radioactive material. However, depending on the scenario, an RDD explosion could create fear and panic, contaminate property, and require potentially costly cleanup. Making prompt, accurate information available to the public could prevent the panic sought by terrorists.

A dirty bomb is in no way similar to a nuclear weapon or nuclear bomb. A nuclear bomb creates an explosion that is millions of times more powerful than that of a dirty bomb. The cloud of radiation from a nuclear bomb could spread tens to hundreds of square miles, whereas a dirty bomb’s radiation could be dispersed within a few blocks or miles of the explosion. A dirty bomb is not a “Weapon of Mass Destruction” but a “Weapon of Mass Disruption,” where contamination and anxiety are the terrorists’ major objectives.]

Under the viewgraph, “High Threat Urban Areas [HTUAs],” Ms. Pena defines HTUAs as geographic areas that warrant special consideration, e.g., a city limit and a 10-mile buffer zone. She says the HTUAs list is derived from the U.S. Department of Homeland Security (DHS) Urban Area Security Initiative (USAI) Program. The USAI Program has identified 46 areas (e.g., in the handout, Appendix A, High Threat Urban Areas) as HTUAs having populations greater than 100,000 using the following risk assessment data: (1) threat–likelihood that an attack would be attempted, (2) vulnerability–likelihood that attacker would succeed; and (3) consequence–impact of an attack occurring.

Under the viewgraph, “TSA NPRM Applicability,” Ms. Pena lists the following entities affected by the NPRM: (1) freight railroad carriers, (2) intercity, commuter, and short-haul passenger train service, (3) rail mass transit systems, and (4) rail operations at certain fixed-site facilities that ship or receive specified quantities of PIH, explosives, or radioactive materials.

Under the viewgraph, “Reason for Regulation,” Ms. Pena says TSA has statutory authority for, and plays a primary federal role in, enhancing security for all modes of transportation. She says freight car interchanges and unattended cars in HTUAs containing hazardous materials present a vulnerability to HTUAs, adding that the breach of a PIH tank car in proximity to high density populations can create a high consequence event. She cites a recent example in the Country of Iraq in which cylinders containing chlorine were exploded in conjunction with an improvised explosive device (IED) in a high threat urban area (HTUA).

Bob VanderClute (AAR) requests confirmation that cylinders containing chlorine versus a rail tank car filled with chlorine was used in the cited example.

Lisa Pena (TSA) responds, “That is correct.”

Under the viewgraph, “Proposed Requirements–Chain of Custody,” Ms. Pena says: (1) shippers at any location must: (a) physically inspect the rail car prior to loading, and (b) keep the car in a secure area with physical security measures prior to railroad carrier taking physical custody of the car; (2) for carriers and receivers within an HTUA: (a) provide positive and secure chain of physical custody when transferring between carriers and between carriers and rail hazardous materials shipper and receiver facilities, and (b) rail hazardous materials receiver must keep the car in a secure area until it is unloaded; (3) for carriers and receivers outside an HTUA: (a) carrier-to-carrier transfer of rail cars that may subsequently enter an HTUA must adopt procedures to ensure that the rail car is not left unattended at any time during the physical transfer of custody, and (b) there are no requirements for rail hazardous materials receivers; and (4) for rail hazardous materials receivers within HTUAs in low risk locations: receivers can request waiver if they believe that the geographic location and potential security threat to their facility does not warrant application of the chain of custody requirements.

Under the viewgraph, “Proposed Requirements,” Ms. Pena describes the following: (1) Freight Railroad Carriers and Fixed Site Facilities: (a) car location reporting: upon request, carriers must report location of car within one hour. TSA seeks comment on the feasibility of reporting a single car in 5 minutes, and all cars in 30 minutes; and (2) all railroad carriers and mass transit rail: (a) inspection authority–for freight and passenger railroad carriers, rail transit systems, and certain facilities that ship or receive specified hazardous materials by rail, (b) designation of rail security coordinators–to serve as primary contact for receipt of intelligence information, and (c) reporting of significant security concerns–potential threats, and incidents.

Under the viewgraph, “TSA NPRM Summary,” Ms. Pena says the TSA NPRM on Rail Transportation Security: (1) raises the security baseline of PIH, explosives, and radioactive materials in the rail supply chain, and (2) supports security goals in passenger and freight rail, rail mass transit, and certain fixed-site facilities that ship or receive specified hazardous materials by rail. She says the comment period closed February 20, 2007. However, TSA will receive additional comments from any party that wishes to participate.

Under the viewgraph, “Economic Impact,” Ms. Pena says approximately 708 railroads, and 241 hazardous material facilities are affected by TSA’s NPRM on Rail Transportation Security.

Lisa Pena (TSA) asks for questions.

Cynthia Hilton (Institute of Makers of Explosives (IME)) cites the example used by Lisa Pena of chlorine cylinders used in conjunction with the detonation of an improvised explosive device (IED) in Iraq. She asks if any of the victims of the IED were casualties of the chlorine from poisonous inhalation versus casualties from the explosive force of the IED?

Ms. Pena says her example came from a news report. She would need to research the news report further to determine if any deaths resulted from inhaling chlorine. She believes that some victims were treated for inhaling the chlorine.

Andrew Corcoran (AAR) notes that the 46-designated high threat urban areas (HTUAs) in the Appendix A handout are for 2006. He asks if there will be an update to the Appendix A list for 2007 when TSA issues the Final Rule for Rail Transportation Security?

Ms. Pena says the 46-designated HTUAs for 2006 in Appendix A will be the designated HTUAs in the Final Rule.

With no further questions for Lisa Pena, Chairperson Cothen asks Michele Sampson (FRA–Office of Safety) for a presentation on Hazardous Materials Rulemakings.

Michele Sampson (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, “Enhancing Rail Safety and Security,” Ms. Sampson says authority for DOT to regulate safety and security of hazardous materials transportation comes from the Hazardous Materials Transportation Law (49 United States Code (USC) 5101 et. seq.),and the Federal Railroad Safety Act (49USC 20101 et. seq.). For TSA, this authority comes under the Aviation Transportation Security Act (Pub. L. 107-71, 115 Stat. 597).

Under the viewgraph, “Routing as a Part of the Transportation Cycle,” a pyramid is shown pictorially depicting that routing decisions involving hazardous materials are based on economic, safety, and security considerations. Ms. Sampson says when these decisions are made by carriers, FRA does not want to see risk being shifted from one community to another.

Under the viewgraph, “DOT’s Proposal HM-232E,” Ms. Sampson says on December 20, 2006, DOT issued a hazardous material NPRM, “HM-232E” that was complementary to TSA’s NPRM on Rail Transportation Security. HN-232E applies to shipments involving: (1) more than 2,268 kilograms (5,000 pounds) in a single carload of a Division 1.1, 1.2, or 1.3 explosive; (2) a bulk quantity of a toxic inhalation hazard material (poisonous by inhalation, as defined in 49 CFR Part 171.8); or (3) a highway-route controlled quantity of a Class 7 (radioactive) material.

Under the viewgraph, “Proposal Requirements,” Ms. Sampson lists the following requirements: (1) compile commodity data; (2) analyze the safety and security risks for routes identified by commodity data (primary routes); (3) identify and analyze one possible alternative route for each primary route; (4) document route selection and any mitigating measures being implemented; (5) create a Safety and Security Plan which must include procedures to: (a) consult with offerors and consignees to minimize time in transit, (b) notify storage-in-transit or consignee facilities of car delivery, and (c) notify consignees of any significant delay in transit and anticipated delivery schedule; and (6) Safety and Security Plans must also include: (a) measures to limit unauthorized access during storage or delay in transit, (b) measures to mitigate risk to population centers associated with in-transit storage, and (c) measures to be taken in the event of an escalating threat level for materials stored in transit. Ms. Sampson says DOT held two public meetings on the NPRM–February 1, 2007, in Washington, D.C., and February 9, 2007, in Dallas, Texas. While the NPRM comment period closed on February 20, 2007, DOT will consider late-filed comments to the extent possible.

Under the viewgraph, “Toxic Inhalation Hazard Tank Car Design,” Ms. Sampson describes what FRA is doing including making inquiries into industry efforts, conducting research into tank car design, holding public meetings–there have been some; there will be more, and FRA is considering a rulemaking for tank car design.

Under the viewgraph, “FRA Memorandum of Cooperation,” Ms. Sampson says there has been information sharing and cooperative research efforts among Dow Chemical Company, the Union Pacific Railroad Company, and the Union Tank Car Company on the next generation of tank car design.

Under the viewgraph, “Volpe National Transportation Systems Center,” Ms. Sampson says FRA has committed nearly $2 million in fiscal year 2007 funding for baseline research efforts with DOT’s Volpe National Transportation Systems Center to define collision conditions of concern and to evaluate current design equipment in these scenarios.

Under the viewgraph, “Public Meetings,” Ms. Sampson says FRA held public meetings in Washington, D.C. on May 31-June 1, 2006, and December 14, 2006. The next meeting is planned for late March 2007, at a location to be announced.

Under the viewgraph, “Rulemaking,” Ms. Sampson quotes FRA Administrator Boardman as saying on January 16, 2007, “...FRA is considering issuing new, more robust federal design standards for hazardous materials tank cars and hopes to issue a final rule in 2008.”

Michele Sampson (FRA) says additional information on hazardous materials tank car issues can be obtained from herself at telephone: (202) 493-6475 (E-Mail Address: michele.sampson@dot.gov) or William Schoonover, FRA Hazardous Materials Staff Director, at telephone: (202) 493-6229 (E-Mail Address: william.schoonover@dot.gov), or to either contact at mailing address: Federal Railroad Administration, RRS-12, Mail Stop 25, 1120 Vermont Avenue, N.W., Washington, D.C. 20005. Ms. Sampson asks for questions.

Tom Schick (American Chemistry Council (ACC) asks what the Volpe National Transportation Systems Center (Volpe) is doing?

Ms. Sampson responds that Volpe is developing predictive models and is doing physical tests at the FRA’s Transportation Technology Center (TTC), perhaps in April 2007.

[Note: TTC is located about 21 miles Northeast of Pueblo, Colorado. TTC is a 52-square mile secure and remote site, which operates with a vast array of specialized testing facilities and railways. TTC enables isolated testing for all categories of freight and passenger rolling stock, vehicle and track components, and safety devices. TTC is managed by Transportation Technology Center, Incorporated (TTCI), a wholly-owned subsidiary of the Association of American Railroads (AAR).]

Cynthia Hilton (IME) asks if the TSA and DOT definitions for hazardous materials are different? She says they appear to be different. She asks if this is a technical issue?

Lisa Pena (TSA) understands that both DOT and TSA are on the same page. She asks if this is a reference to “loaded materials,” versus “loaded materials plus residues?”

Ms. Hilton replies, “That is correct.”

Ms. Pena says when TSA and DOT re-draft the NPRM’s into the Final Rules, these differences should be the same.

Chairperson Cothen says some summary data on tank car failure was presented at the two public meetings FRA has held. He says there appears to be an over representation

in this data for loss in dark (non-signal) territory. He has not seen any comments on this aspect of the data in the Docket on this subject. He notes that there are over 100,000 shipments per year of the designated commodities. He says FRA is having its economists and operations research analysts review the possibility of requiring that shipments of these commodities be operated at speeds of less than 30 miles per hour in dark territory, i.e., if this is plausible. He notes that this responds to the spirit of several NTSB Recommendations, resulting from the Graniteville, South Carolina, train accident involving the release of chlorine. Comments to the tank car docket are encouraged.

Chairperson asks Douglas Taylor (FRA–Office of Safety) for a report on Railroad Operating Rules (ROR) Working Group (WG) activities.

Douglas Taylor (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "Background," Mr. Taylor says since the last update of ROR WG activities at the September 21, 2006, full RSAC meeting, (1) FRA issued an NPRM on October 12, 2006, for 49 CFR §§ 217 and 218; (2) FRA received comments to the NPRM through December 11, 2006; and (3) FRA summarized the written comments from 14 commenters by organization and subject matter. He says the ROR WG met on February 8-9, 2007, to help FRA resolve issues raised by the commenters.

Under the viewgraph, "Working Group Focus," Mr. Taylor says the February 8-9, 2007, ROR WG meeting focused on comments to the NPRM involving: (1) Protection of shoving movements, including a review of FRA Safety Advisory 2007-01, Safety in Yards: Behavior of Employees On or About Tracks; and Point Protection (72 *Federal Register* (FR) 2333, dated January 18, 2007); (2) Definition of hand-operated switch; (3) Remote control zone reconditioning run; (4) Leaving equipment in the clear; and (5) Operating hand-operated switches without dispatcher authorization. He says the next ROR WG meeting will be April 4-5, 2007, in Philadelphia, Pennsylvania.

Mr. Taylor asks for questions.

With no questions of Mr. Taylor, Chairperson Cothen announces the lunch break. He says after the full RSAC returns from lunch, it will be asked to vote on a new Task Statement that will extend the work of the Continuous Welded Rail Working Group into other track-related areas.

L U N C H B R E A K 11:50 P.M. - 1:00 P.M.

Chairperson Cothen reconvenes the meeting. He asks Alan Misiaszek (FRA–Office of Safety) for a presentation on Medical Standards (MS) Working Group (WG) activities.

Alan Misiaszek (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Mr. Misiaszek says there have been two MS WG meetings, December 12-13, 2006, and February 20-21, 2007. He says FRA provided draft rule text language and the MS WG has discussed the following topics of a draft rule: (1) purpose and scope; (2) application; (3) definitions; (4) coverage; (5) medical fitness for duty assessment–program requirements; (6) general medical standards; and (7) specific medical guidelines.

Mr. Misiaszek says the MS WG will discuss the following rule text sections during future meetings: (1) employee rights and responsibilities; (2) dispute resolution; (3) confidentiality; (4) record keeping; (5) access to facilities and records; and (6) effective dates of the rule.

Mr. Misiaszek asks for questions.

David Johnson (National Association of Railroad Passengers (NARP) asks when the next MS WG meeting will be held.

Mr. Misiaszek responds that FRA is shopping for a meeting venue in Phoenix, Arizona, or West of the Mississippi River for May 2-3, 2007.

With no further questions of Alan Misiaszek, Chairperson Cothen asks Cynthia Gross (FRA–Office of Safety) for a presentation on Passenger Safety (PS) Working Group (WG) activities.

Cynthia Gross (FRA) describes the activities of the three active Task Forces of the PS WG. For the Track Vehicle Interaction Task Force (TF), work continues on collecting data for this highly technical area. Included are (1) establishing necessary safety limits on wheel profile and truck equalization; (2) revising qualification requirements for high-speed/high cant deficiency operation; and (3) revising safety criteria (acceleration and wheel force limits). The TF meets next on March 28-29, 2007, in Cambridge, Massachusetts, to try to finalize these technical issues before moving on to drafting rule text language.

For the Emergency Preparedness TF, Ms. Gross says the TF will meet next in Los Angeles, California, on March 28-29, 2007, to finalize work on three American Public Transportation Association (APTA) Standards that will be incorporated by reference into the Code of Federal Regulations. Included are: (1) Standard for Low-Location Exit Path Marking (LLEPM); (2) Standard for Emergency Signage for Egress/Access of Passenger Rail Equipment; and (3) Standard for Emergency Lighting System Design for Passenger Cars. She says once the EPREP TF completes work on the APTA Standards, its remaining work will consist of proposed rules for a continuous wireless

system in passenger cars and the placement of automated external defibrillators (AED) on passenger cars and train stations.

For the newest PS WG TF, Ms. Gross says the General Passenger Safety TF has begun work on passenger station platform gap issues. The next TF meeting will be held in Orlando, Florida on April 18-19, 2007.

Cynthia Gross (FRA) asks for questions.

With no questions, Chairperson Cothen asks Christopher Schulte (FRA–Office of Safety) for a presentation on Roadway Worker Protection (RWP) WG activities.

Christopher Schulte (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Mr. Schulte says the RWP WG met five times in 2005, five times in 2006, and one time in 2007. The next meeting is scheduled for February 27-March 1, 2007, in Philadelphia, Pennsylvania. He says the WG has reached consensus on 28 items from the 16 Sections of the regulations.

Under the viewgraph, “Major Issues,” Mr. Schulte outlines the following: (1) consensus was reached at the January 17-18, 2007 WG meeting on incorporating into rule text, the existing FRA Technical Bulletin for on-track safety training of other than roadway workers who provide protection for roadway work groups; (2) still outstanding is the issue of on-track safety of employees and contractors who clear snow at passenger station platforms; and (3) consensus has not been reached for a revision to the definition for roadway worker.

Under the viewgraph, “Future Discussion Points,” Mr. Schulte lists the following: (1) electronic documentation–display of track authorities on computer screens; (2) yard limits–controlled versus non-controlled track; (3) block register territory–how to treat this (technically speaking) non-controlled track; (4) contractor awareness of railroad-specific on-track safety requirements; (5) training frequency for contractors; and (6) switch manipulation for maintenance purposes. Mr. Schulte notes that responsibility for addressing this last topic has been switching back and forth between the ROR WG and RWP WG.

Mr. Schulte asks for questions.

With no questions, Chairperson Cothen asks Kenneth Rusk (FRA–Office of Safety) for a presentation on Continuous Welded Rail (CWR) WG activities.

Kenneth Rusk (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were

distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "Track Safety Standards," Mr. Rusk says the CWR WG has been in existence for one year–it was established February 22, 2006. The WG was tasked to review and revise the CWR-related provisions of the Track Safety Standards.

Under the viewgraph, "CWR Directives," Mr. Rusk says the WG (1) resolved comments received on FRA's Interim Final Rule pertaining to the inspections of CWR joints, i.e., 70 *Federal Register* (FR) 66288, dated November 2, 2005; and (2) made recommendations regarding FRA's role in oversight of CWR programs, including analysis of data to determine effective management of CWR safety by the railroads.

Under the viewgraph, "CWR Tasks," Mr. Rusk outlines the following WG activities: (1) review the Interim Final Rule (IFR) on inspections of joint bars in CWR territory; comment on the IFR; and prepare recommendations for the final rule; (2) review FRA inspection data and reporting criteria; and (3) evaluate further enhancements for the management of CWR to prevent track buckling and joint failures, including design, maintenance, and inspection.

Under the viewgraph, "Final Rule Part 213.119(g)," Mr. Rusk says the Final Rule was published October 11, 2006, i.e., 71 FR 59677. The Final Rule provisions became active on January 1, 2007.

Under the viewgraph, "Highlights of 213.119(g)," Mr. Rusk lists the following: (1) railroads will develop Action Plans to address CWR joint conditions; (2) there are requirements for walking inspections of CWR joints and corrective actions for Action Items and Part 213 defects. However, an inventory of CWR joints is not required; (3) when cracked or broken bars are found during weekly track inspections, monthly turnout inspections, and periodic joint bar inspections, a Fracture Report will be completed; (4) Fracture Report data will be sent to FRA twice annually; (5) railroads may inspect joints at turnouts and in the vicinity of turnouts during monthly switch inspections; and (6) a track owner may seek approval from FRA to use alternative procedures.

Under the viewgraph, "CWR Update," Mr. Rusk says FRA submitted the following topics to the WG for further discussion: (1) Training: consideration of a standard for the qualifications of a person who inspects and maintains CWR; (2) Special Inspections: consider incorporating in paragraph (f) indications of damage to joints, environmental conditions or other factors; (3) Plans: develop a mechanism for updating and submitting program procedures to FRA Headquarters and for the notification and resubmission criteria for modifications to program plans; (4) Manuals: maintenance and retention of procedures/guidelines in field by maintenance of way personnel; (5) Definition of CWR; and (6) Ballast and Anchoring Criteria: consider developing specific criteria.

Mr. Rusk says the WG organized an accident review team to: (a) review accidents with track buckling as the primary or secondary cause; (b) consider accidents investigated by FRA, the National Response Center, or the National Transportation Safety Board; (c) review accident information from railroads; and (d) determine why some railroads had no reportable CWR derailments in previous years. Mr. Rusk says the next CWR WG meeting is scheduled for April 10-11, 2007, in Chicago, Illinois.

Kenneth Rusk (FRA) asks for questions.

With no questions, Chairperson Cothen asks Jeffrey Horn (FRA–Office of Safety) for a presentation on Locomotive Safety Standards (LSS) WG activities.

Jeffrey Horn (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the series of viewgraphs, "Locomotive Working Group Report," Mr. Horn says the LSS WG has met three times since the last full RSAC meeting, i.e., September 25-26, 2006, October 30-31, 2006, and January 9-10, 2007. The following WG highlights have occurred: (1) the working group has reached consensus to allow locomotive pilot or snow plow height to be raised above six inches above top of rail in yards with hump facilities to prevent damage to the locomotive and retarder equipment; (2) the WG continues to discuss the use of electronic data storage to maintain all required locomotive inspection records; (3) the WG reached consensus on codifying the locomotive electronic air brake waivers into the regulations; the WG still needs to determine how to make the same changes for similarly equipped passenger locomotives; (4) the WG agreed to add additional language to locomotive head lamp requirements to include additional approved lamps; (5) the WG tabled discussions on the Association of American Railroad's request for a risk-based performance standard to replace FRA's required periodic locomotive inspections; (6) the WG is now looking into a proposal to increase the time between periodic inspections for specific locomotives and retain some form of the daily inspection; (7) as part of this discussion the WG voted to form a task group to evaluate performance of the specific locomotives and report back to the working group. The task group met October 30, 2006, and January 10, 2007; and (8) the WG agreed to eliminate expired provisions in 49 CFR § 229.133–interim locomotive conspicuity measures–auxiliary external lights."

Mr. Horn says the next LSS WG meeting will be March 6-7, 2007, in Orlando, Florida. He asks for questions.

David Elliott (High-Speed Ground Transportation Association (HSGTA) asks about the various railroad waivers for periodic COT&S (clean, oil, test, and stencil) requirements for different air brake systems.

Mr. Horn responds that all current railroad waivers will be incorporated into the Notice of Proposed Rulemaking on this topic.

Chairperson Cothen adds that on February 21, 2007, he filed a Federal Register Notice for Part 229 waivers, asking that carriers already in possession of air brake system waivers, resubmit these waivers so that FRA can be certain that it has captured all of the outstanding waivers. He believes there are similar passenger locomotives equipped with air brake systems that are covered by the waiver petitions. The regulations covering passenger locomotives are under 49 CFR § 238, versus 49 CFR § 229 for freight locomotives.

Patrick Ameen (AAR) confirms that the LSS WG reached consensus on the COT&S requirements for the 26-L brake systems with and without air dryers.

Chairperson Cothen asks the full RSAC to look at proposed new Task No.: 07-01, Track Safety Standards. He says the intention is to add scope to the CWR WG activities that is broad enough so that WG can take-up other track-related topics, while it is waiting for Fracture Report data to review. He adds, "This is not a request to take on a general revision to Track Safety Standards, which were last reviewed in the late 1990's. Rather, the intent is to use an available forum to take-up the recommendations of the NTSB in the track area." He says no one will be asked to vote today on this Task. He has had a request to allow voting on this new Task to be by electronic mail ballot.

Rick Inclima (Brotherhood of Maintenance of Way Employes Division (BMWED)) says the BMWED supports the first four bullets under the Task Description. However, the fifth bullet is too broad. He offers a change in wording of the fifth bullet to narrow the scope of the Task.

[The Task Description reads as follows:

- Review controls applied to reuse of rail in CWR ("plug rail").
- Review the issue of cracks emanating from bond wire attachments.
- Consider improvements in the Track Safety Standards related to fastening of rail to concrete ties.
- Ensure a common understanding within the regulated community concerning requirements for internal rail flaw inspections.
- Recommend other enhancements or corrections to the Track Safety Standards, as needed.]

Mr. Inclima requests that the "fifth" bullet read as follows:

- Consider other enhancements or corrections to the Track Safety Standards, as presented to the WG by FRA.

Bob VanderClute (AAR) requests that the "fifth" bullet read as follows:

- Consider other enhancements or corrections to the Track Safety Standards, as presented to the WG by the full RSAC.

Rick Inclima (BMWED) says his language for the "fifth" bullet would allow FRA to be the "gate keeper" for what is to be presented to the WG. The intent is not to require FRA to come back before the full RSAC for its permission to present a topic to the WG. He believes this flexibility would limit other groups from re-opening all of 49 CFR § 213 rules for review.

Bob VanderClute (AAR) says the BMWED proposal still appears to be an open door over which the full RSAC will not have control.

Chairperson Cothen says FRA will strike the "fifth" bullet from the Task Description. He says he hopes the day will come when there will be "standing" railroad discipline (i.e., Track, Operating Practice, Signal and Train Control, Hazardous Materials, and Motive Power and Equipment) Working Groups at the full RSAC, which can take-up additional topics that the full Committee requests. He notes that the "Target Date" for RSAC Task No.: 07-01 is open. He says once the Task is accepted by the full RSAC, the WG can report back to the full RSAC on a Task Schedule and Target Date for completion of this assignment.

Fran Hooper (American Public Transportation Association (APTA) asks if the vote on Task No.: 07-01 will be by electronic mail ballot?

Chairperson Cothen replies, "Yes."

Chairperson Cothen asks RSAC members to look at their calendars and suggest a date for the next full RSAC meeting.

There is a general RSAC discussion on future meeting dates.

Chairperson Cothen announces that FRA will attempt to locate meeting space in Washington, D.C. for May 16, 2007, for the next full RSAC meeting. He notes that the annual Harriman Awards will be in Washington, D.C. on May 17, 2007.

[Note: The E.H. Harriman Award is an annual award presented to American railroad companies in recognition for outstanding safety achievements.]

In other business, Chairperson Cothen announces that FRA is working on waiver requests for the use of Electronically-Controlled Pneumatic (ECP) brakes. He says FRA is also working on a proposed rule for ECP brakes, adding the Office of the Secretary of Transportation has been briefed on this proposal. He says the RSAC may

be asked to help FRA with the resolution of comments in response to the proposed rule for ECP brakes.

James Stem (United Transportation Union (UTU) offers a suggestion. He says the LSS WG is already dealing with related brake waiver requests. He requests that the LSS WG also handle a review of the waiver petitions for ECP brakes.

Chairperson Cothen continues the overview of other FRA business. He says FRA needs to conduct an additional review of locomotive horn issues in the Chicago, Illinois, area, where a Metropolitan Planning Organization is organizing communities. He says FRA Emergency Order No. 15 needs to be "sunsetted" by having highway-rail grade crossings of the Florida East Coast Railway Company put under current rules. He says proposals to allow electronic recordkeeping by amending 49 CFR § 228 for Hours of Service Act requirements is progressing so that FRA can get away from having to issue waivers. He says FRA is reviewing Safety Appliance Standards. Finally, FRA is close to issuing an update to Accident/Incident reporting requirements, under 49 CFR § 225.

Andrew Corcoran (AAR) asks about the safety appliance issue.

Chairperson Cothen says it is Patrick Ameen's (AAR) request, i.e., a review of safety appliance requirements under 49 CFR § 231.

Ross Capon (National Association of Railroad Passengers (NARP)) wishes to make an announcement. He says the Annual Dr. Gary Burch Memorial Safety Award will be announced on May 2, 2007. Additional information on this topic can be found at NARP's Internet Web Site, i.e., www.narprail.org.

[Note: The Dr. Gary Burch Memorial Safety Award is an annual award granting $1,000 to the railroad worker who has done the most to improve the safety of railroad passengers. Dr. Burch was chief of the Ear, Nose, and Throat Clinic at the Eisenhower Hospital at Fort Gordon, Georgia. He was one of eight passengers who died July 31, 1991, at Lugoff, South Carolina, while traveling on Amtrak's Silver Star. It derailed at a switch that the National Transportation Safety Board (NTSB) later said was "poorly maintained." Dr. Burch's wife, Bette, was traveling with him and was injured. Later, she and her children (Michael Burch and Kathryn Pettyjohn) decided to do what they could to improve passenger rail safety. Their effort resulted in the award. A selection committee solicits nominations from railroad companies and operating agencies and selects someone to receive the award at NARP's annual Washington, D.C., reception generally, in April of every year. Selection criteria include correcting or initiating a solution to a passenger-related safety problem.]

Chairperson Cothen asks for additions and corrections to the Minutes for the September 21, 2006, meeting of the full RSAC.

Rick Inclima (BMWED) offers a punctuation correction on Page 27.

Patrick Ameen (AAR) says the word, Gerard, on Page 4, should be Gerhard.

With no further discussion, Chairperson Cothen asks for a motion to accept the Minutes for the September 21, 2006, meeting, as corrected.

Thomas Pontolillo (Brotherhood of Locomotive Engineers (BLET)) moves that the Minutes for the September 21, 2006, meeting be approved, as corrected.

Greg Pardlo (American Train Dispatchers Association (ATDA)) seconds the motion.

> THE MINUTES FOR THE SEPTEMBER 21, 2006, MEETING ARE APPROVED BY THE FULL RSAC, AS CORRECTED, BY UNANIMOUS VOICE VOTE.

With no further business, Chairperson Cothen thanks the FRA staff for their assistance with today's meeting. He adjourns the meeting at 2:05 pm.

M E E T I N G A D J O U R N E D 2:05 P.M.

These minutes are not a verbatim transcript of the proceedings. Also, Microsoft PowerPoint overhead view graphs and handout materials distributed during presentations by RSAC Working Group Members, FRA employees, and consultants, generally become part of the official record of these proceedings and are not excerpted in their entirety in the minutes.

Respectively submitted by John F. Sneed, Event Recorder.